

Call to Order:

The meeting was called to order at 7:38 p.m. Present were Chair, Joan Duff, and members Ms. Anderson, Mark Yanowitz, Vincent Chiozzi, John McDonnell and associate member Jay Doherty; also present was Paul Materazzo, Director of Planning, and Jacki Byerley, Planner.

Town Meeting 2011:

Article P-47: Amend Article XII Section 48 Banner in the GB District.

The Board took up the discussion on the proposed warrant article to Amend Article XII Section 48 Banner in the GB District. Mark Spencer of 13 Sunset Rock Road, the petitioner of the proposed article, gave an overview of the existing general bylaw and the reasoning for the proposed amendment which would allow a banner to be between two buildings as well as 2 poles. Mr. Yanowitz questioned the height, and size of the banner. Ms. Duff noted that the height and size of a banner is outlined in the existing by-law. Spencer reviewed the application process for banners and noted that a banner can be anchored between the former Kaps building and Elm Sq.

Article P-34: Municipal Services Facility (Town Yard)

The Board took up the discussion on the proposed warrant article to see if the Town will appropriate \$100,000 for the purpose of studying options for the location, development and financing of a Municipal Services Facility (Town Yard) and its associated programmatic space needs. Mr. Materazzo gave an overview of the proposed warrant article, he also reviewed the warrant article submitted at the 2010 Town Meeting and why it was withdrawn. Ms. Anderson asked if the 2010 warrant article for the Town Yard already did a study of the Town's needs. Mr. Materazzo noted that a study was done but the money is to analyze responses to the new RFP and to assure any building that is considered is structurally sound and can meet the Town's operation and space needs. Ms. Anderson asked if there was any money left from the 2010 warrant article. Mr. Materazzo noted he is not sure how much money, if any, is still available and will check with Plant and Facilities Director. Ms. Duff noted that the warrant articles they are discussing are not sponsored by the Planning Board.

Article P-42: Long-term Renewable Electricity Contracts

The Board took up the discussion on the proposed warrant article to authorize the Town Manager to solicit and award contracts for purchasing electricity generated by solar energy facilities or other renewable resources. Mr. Materazzo gave an overview of the proposed warrant article and noted that the article does not obligate the Town to purchase or enter into a contract, it gives the Town options to do so. Mr. Yanowitz questioned if the town could enter into a new contract when the Town already has a contract with TransCanada. Mr. Materazzo indicated that the goal would be to afford the Town more flexibility moving forward and that the existing TransCanada contract would be further examined.

Article P-47: Amend Article XII Section 48 Banner in the GB District.

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to recommend approval of warrant article P-47 to amend Article XII Section 48 Banner in the GB District at town meeting. **Vote:** Unanimous (5-0)

Article P-42: Long-term Renewable Electricity Contracts

On a motion by Ms. Anderson seconded Mr. Yanowitz the Board voted to recommend approval of warrant article P-42 Long-term Renewable Electricity Contracts at town meeting. **Vote:** Unanimous (5-0)

Article P-49: Private Warrant Article Amend Section 2.2 Overlay District by adding a new Section 8 River Road Business District (RROB) and Appendix A, Map of River Road Business District.

The Board opened the public hearing on the proposed private Warrant Article Amend Section 2.2 Overlay District by adding a new Section 8 River Road Business District (RROB) and Appendix A, Map of River Road Business District. Attorney Robert Lavoie, representing the petitioner of the article, gave an overview of the proposed article and a brief history of the creation of the article. William Caulder, Managing Director of The Gutierrez Company, gave an overview of the proposed article which included the review, application, decision and appeal process outlined in the proposed article. He noted the proposed article would be beneficial to the neighbors and town because West Andover presently has limited amenities in the area. Mr. Caulder reviewed a PowerPoint presentation which included the purpose of the Overlay District, the proposed boundaries of the district, the existing zoning, the current uses of the proposed site, and nearby amenities. He also reviewed the proposed uses for the district and noted it meets most Smart Growth principals. Attorney Lavoie stated that he had met with landowners regarding the article and will reach out to the residents. Mr. McDonnell asked the applicant to describe in detail what is allowed/not allowed in the ID District, and how they choose the overlay district. Attorney Lavoie gave an overview of what's allowed and not allowed in the ID District. He further described how and why they chose the parcel to incorporate the overlay district. Mr. Lavoie noted that in drafting the article they had used as a model the Town Yard 40R overlay district, with design guidelines to be determined in the future by the Planning Board. Permitting would be by site plan review. Mr. Yanowitz noted that he had spoken directly with the owner of Doyle Lumber and the manager of Homewood Suites - both businesses are close to, but outside the proposed overlay district, and neither party had any knowledge of the application. The Board discussed the need for further community outreach to engage those most directly affected by the proposal. Mr. Yanowitz asked about transportation in the area. Mr. Lavoie responded with a description of the MVRTA, and how it might service the area. Mr. Doherty asked how much land was upland and how much was wetland. He also asked if property owners of the residential properties included in the overlay district were notified. Ms. Elkache, 62 River Rd., noted that she was not notified by the petitioner that her property was included in the overlay district. Several residents in the area expressed concern regarding traffic and stated they did not feel that amenities were needed in the area. Several other residents in the area noted they might use services if they were available. Mr. McDonald noted that growth in the area will happen, and discussed smart growth principals. Mr. Caulder questioned if office use is the best use for the land. Susan Stott, 30 Pasho Rd., expressed concern regarding the setbacks to the Technical School and the security of the students. Mrs. Stott also asked how the boundaries of the proposed overlay district were determined, and asked if the Andover Companies, abutters to the north, were consulted. She expressed concern about strip zoning, and pointed out that there were several other residential developments available nearby. She stated that this article didn't seem well thought out and she thought the Planning Board should spend more time on this. Mr. Materazzo noted that he has spoken to many businesses in the area and they have requested additional amenities. William Donohue of 135 North Street asked Mr. Materazzo to specifically identify which businesses Mr. Materazzo had spoken with. Mr. Donohue further stated that that the warrant article should be proposed by the Town rather than being a private warrant article, with due consideration given to process. Another abutter Lelani Loder said that she wasn't opposed, but that the article as proposed 'screamed developer'

Article P-49 (cont.): Private Warrant Article Amend Section 2.2 Overlay District by adding a new Section 8 River Road Business District (RROB) and Appendix A, Map of River Road Business District.

Mr. Materazzo responded to Mr. Donohue's question, and stated that he spoke with Phillips Corporation. Mr. Materazzo also stated that in his many conversations with West Andover residents and businesses there was a need expressed for services such as Starbucks and Panera, additional restaurants, and medical facilities

B. Cronin, 96 North Street, said that he understood and liked the concept but didn't think the change should be done 'piecemeal'. He understood that the area was industrial from 9-5, but on weekends it was quiet and he could safely walk.

Ms. Duff noted that the Planning Board will give the article due consideration and that the public hearing will be continued to another meeting. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearing on the proposed Private Warrant Article : Amend Section 2.2 Overlay District by adding a new Section 8 River Road Business District (RROB) and Appendix A, Map of River Road Business District until April 12, 2011 at 7:45 pm. **Vote:** Unanimous (5-0)

Article P-19: Amend Article VIII, the Zoning By-law by adding a new Section 7.7 OPEN SPACE RESIDENTIAL DESIGN (OSRD).

The Board opened the public hearing to Amend Article VIII, the Zoning By-law by adding a new Section 7.7 OPEN SPACE RESIDENTIAL DESIGN (OSRD) that was continued from the February 22nd meeting. Ms. Byerley reviewed her memo to the Board dated March 2, 2011 which included feedback from other boards. Ms. Byerley noted that the Conservation Commission will be discussing the article at an upcoming meeting. Ms. Byerley noted that Conscom has indicated that they support the article to garner additional open space for the town, but it has concerns with the conveyance of the property to other entities that may not allow access by the public. The Board discussed the proposed article and whether or not to move forward with the article as written. Ms. Byerley reviewed the history of the article, and noted that a week before the warrant closed the Board decided to submit the article as a new section of the zoning by-law rather than an amendment to the cluster bylaw. There was extensive conversation by Board members about the evolution of the article, with discussion about whether or not to move forward with it as a 'first step' or to continue staff/board revisions and wait to present it at a future Town Meeting. . On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to recommend approval of warrant article P-19 to Amend Article VIII, the Zoning By-law by adding a new Section 7.7 OPEN SPACE RESIDENTIAL DESIGN (OSRD). **Vote:** Unanimous (5-0);

It should be noted following the vote Mr. Doherty recused himself from the 15 Elm Street public hearing and left the room,

15 Elm Street (Century Bank):

The Board opened the public hearing on an application by Century Bank and Trust Company on property owned by DAZ, LLC for a Special Permit for a Major Non-Residential Project located at 15 Elm Street. Attorney Mark Johnson, representing the applicant, gave an overview and history of the proposed project including two IDR's. Peter Darlow, of Darlow Architects, representing the applicant gave an overview of the meeting and approval from the Andover Historic Preservation Commission. He also reviewed the architectural plans for the proposed

15 Elm Street (Century Bank) (cont.):

project. Tim Williams, of Allen & Major Associates, Inc., representing the applicant, gave an overview of the proposed site plan which included the lot and building size, two curb cuts, the access and egress for the site which will be one-way, the parking, the lighting and the landscaping. Mr. Williams also reviewed comments from the IDR that were outlined in Ms. Byerley's memo to the Board dated March 2, 2011. Ms. Anderson questioned sight distances with the parking space at the front of the site. Ms. Byerley reviewed her memo to the Board dated March 2, 2011 and noted the Safety Officer has reviewed the plans and did not express concerns regarding sight distances. Ms. Byerley reviewed the zoning bylaw regarding the width of a one-way lane which is 14', and noted that one comment was not in her memo. She asked if the applicant would agree to allow overflow parking from surrounding businesses when the bank was not in operation. James Flynn, Senior Vice President of Century Bank, noted that they would not allow overflow parking when the bank is closed for safety and security reasons. A resident of 5 Summer St spoke in favor of the project but questioned the parking space in front of the site. Mr. Williams noted that the parking space in front of the site already exists and is on the Town right of way. Sheila Doherty, President of Doherty Insurance, abutter to the property, expressed concerns that customers of the bank would use the Doherty Insurance parking lot. She asked if some type of screening could be provided along the parking lot property line. Attorney Johnson noted there is a cast iron fence at the rear of the property and it can be extended along the common property line. Ms. Byerley noted that she has not reviewed the revised plans the applicant has presented at tonight's meeting. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to continue the public hearing on an application by Century Bank and Trust Company on property owned by DAZ, LLC, for a Special Permit for a Major Non-Residential Project located at 15 Elm Street until April 12th at 7:30 pm. **Vote:** Unanimous (5-0); It should be noted Mr. Doherty returned to the meeting after the vote.

Minutes:

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to approve the minutes for February 8, 2011 as submitted to the Board at tonight's meeting. **Vote:** Unanimous (5-0)

Article P-34: Municipal Services Facility (Town Yard)

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to recommend approval of warrant article P-34 for an additional study of Municipal Services Facility (Town Yard) at town meeting. **Vote:** Unanimous (5-0)

Other Business:

Mr. Materazzo updated the Board on the joint meeting on March 29th with Conservation Commission to discuss the Shawsheen River Restoration Project and the two warrant articles submitted by the Conservation Commission.

Adjournment: The Board voted to adjourn the meeting at 9:56 p.m.